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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/723,172
Filing Date	November 26, 2003
First Named Inventor	James A. McEwan
Art Unit	3748
Examiner Name	Thai Ba Trieu
Attorney Docket Number	HOET-16

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Agreement to End Appeal and Reopen Prosecution Return Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Krieg DeVault, LLP		
Signature			
Printed name	Jason A. Houdek		
Date	April 19, 2007	Reg. No.	54,620

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jason A. Houdek	Date	April 19, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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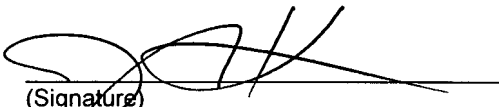
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Art Unit: 3748  
Confirmation  
No.: 5747  
Application  
No.: 10/723,172  
Title: TURBOCHARGER WITH  
WASTEGATE  
Inventor: James A. McEwan  
Filing Date: November 26, 2003  
Attorney  
Docket No: HOET-16  
Examiner: Thai Ba Trieu

Certificate Under 37 CFR 1.8(a)

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on April 19, 2007

  
(Signature)

Jason A. Houdek  
(Printed Name)

**AGREEMENT TO END APPEAL AND REOPEN PROSECUTION**

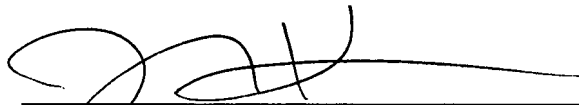
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Sir:

Applicant agrees to end the present appeal and reopen prosecution so that  
claims 14-20 can be allowed, and claims 2-4, and 11-13 can be allowed once rewritten

in independent form to include the limitations of the base and any intervening claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Houdek', is written over a horizontal line.

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